
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

LAWRENCE JOSEPH TUCKER,

Plaintiff,

versus

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:05-CV-416

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Lawrence Joseph Tucker, proceeding *pro se*, filed this civil rights lawsuit. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff filed a motion asking that a default judgment be entered against defendant Robert Behrns. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. Concluding that defendant Behrns timely responded to the plaintiff's complaint, the magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court concludes the objections are without merit. Defendant Behrns filed his response to the complaint within the time allotted by the court and is therefore not in default.

ORDER

Accordingly, plaintiff's objections to the Report and Recommendation are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion for default judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 3rd day of March, 2008.

Handwritten signature of Marcia A. Crone in cursive script.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE